

TITLE 10

ANIMAL CONTROL

CHAPTER

1. IN GENERAL.
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CHAPTER 1

IN GENERAL

SECTION

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10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, to knowingly or negligently permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1975 Code, § 3-101)

10-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section within one thousand (1,000) feet of any residence, place of business, or public street, without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1975 Code, § 3-102)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1975 Code, § 3-103)

10-104. Adequate food, water, and shelter, etc., to be provided. No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of

its health, safe condition, and wholesomeness for food if so intended. (1975 Code, § 3-104)

10-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1975 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1975 Code, § 3-106)

10-107. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer or by any police officer and confined in a pound provided or designated by the city council. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address, and the animal or fowl will be humanely destroyed or sold if not claimed within five (5) days. If the owner is not known, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. The notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner within the specified period, the animal or fowl shall be sold, humanely destroyed, or otherwise disposed of as authorized by the city council. (1975 Code, § 3-107)

CHAPTER 2

ANIMALS

SECTION

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10-201. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter.

(1) "Animal." The term "animal" shall mean and include all animals customarily vaccinated against the disease of rabies. This shall include, but not be limited to, dogs and cats.

(2) "At large." The term "at large" shall mean off the premises of the owner and not under restraint.

(3) "Under restraint." The term "under restraint" shall mean secured by a leash or lead held by an able-bodied person.

(4) "Owner." The term "owner" shall mean any person having a right of property in an animal, or who keeps or harbors an animal or who has it in his care, or acts as its custodian or who permits an animal to remain on or about his premises. (Ord. #549, April 1992)

10-202. Registration of animals. (1) All residents owning, keeping, or harboring any animal over three (3) months of age shall pay to the city a yearly registration fee of three dollars (\$3.00) for each spayed or neutered dog or cat and four dollars (\$4.00) for each unspayed or unaltered dog or cat owned, kept or harbored.

(2) Upon receipt of the registration fee required by subsection (1) and the exhibition of an unexpired certificate of rabies vaccination, the city shall

issue a registration certificate to the owner of the animal, giving the owner's name, date issued, amount paid, description, name, age and sex of the animal, the registration tag number issued, the date the animal was vaccinated and the type of vaccine used.

(3) At the time a registration certificate is issued under subsection (2), the city shall also deliver a registration tag bearing the serial number of the registration certificate and the year in which it was delivered. The shape and/or color of the tag shall be changed every year and it shall be the duty of every owner to provide each dog or cat for which a tag is issued with a collar or harness to which the registration tag must be affixed and such owner shall see that the collar or harness is constantly worn. In case a registration tag is lost or destroyed, a duplicate will be issued upon presentation of a receipt showing the payment of a fee of one dollar (\$1.00) for such duplicate.

(4) It shall be unlawful for any person owning, keeping or harboring an animal within the city to fail to register such animal as required by this section. (Ord. #549, April 1992)

10-203. Registration fee for kennels. Persons operating a kennel where dogs are bred for sale shall not be required to pay the registration fee required by § 10-202, but in lieu thereof shall pay, on or before the first of May of each year, or upon the opening of such kennel, a registration fee as a kennel operator. These fees shall be annual fees and shall be as follows:

- (1) Less than 10 animals, \$20.00.
- (2) 10 but not more than 20 animals, \$40.00.
- (3) Over 20 animals, \$50.00 + \$2.00 for every animal over 20. (Ord. #549, April 1992)

10-204. Animals running at large prohibited.¹ No animal, whether registered under this chapter or not, shall be allowed to run at large or upon the premises of one other than the owner. Any owner permitting an animal to run at large in violation of this section shall be guilty of a misdemeanor. (Ord. #549, April 1992)

10-205. Confinement of female animals in heat. Every female animal in heat shall be confined in a building or secure enclosure in such a manner that such female animal cannot come into contact with another animal except for planned breeding. Confinement shall be for twenty-four (24) days. (Ord. #549, April 1992)

¹State law reference

Tennessee Code Annotated, §§ 68-8-108 and 68-8-109.

10-206. Impoundment of animals running at large. It shall be the duty of the city or its duly authorized representative to apprehend any animal found running at large contrary to the provisions of this chapter and impound such animal in the City Animal Shelter.

The owner of an impounded animal wearing a valid city tag shall be notified to appear within seven (7) days from the date of notice to the owner, to redeem the animal by payment of the required fees. Untagged, unregistered animals shall be held for a period of three (3) days.

Any animal not claimed within the times provided may be either destroyed or sold.

The impoundment of an animal under this section shall not relieve the owner thereof from prosecution for permitting such animal to run at large in violation of § 10-204.

In addition to, or in lieu of, apprehending and impounding an animal found at large, the animal control officer, upon determining the owner, may return the animal to the owner and issue a summons requiring the owner to appear in city court for determination of whether or not there has been a violation within the meaning of § 10-204. (Ord. #549, April 1992)

10-207. Impounding and other fees in connection with animal shelter. (1) The city is directed to establish fees for the apprehension of any animals running at large, for the impoundment of animals at the City Animal Shelter, and for the redemption of animals impounded under the provisions of this chapter. The city may set different fees for different sizes, sexes and kinds of animals and different fees for registered and unregistered animals. Such fees, in all events, shall be sufficient for the city to recover its costs incurred in the administration of this chapter. (Ord. #549, April 1992)

10-208. Authority to kill animals running at large. Notwithstanding the provisions of § 10-206, if any animal found at large in violation of this chapter cannot be safely taken up and impounded, such animal may be slain by any police officer. (Ord. #549, April 1992)

10-209. Collection and disposition of fees required by chapter. All fees required by this chapter shall be collected as required and shall be deposited as provided by law. (Ord. #549, April 1992)

10-210. Poisoning. It shall be unlawful to poison any animal or animals or to distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any animal or animals. (Ord. #549, April 1992)

10-211. Noisy animals. It shall be unlawful to keep any animal which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

Any person convicted of a violation of this section shall be punished by a fine of not less than ten dollars (\$10.00) or more than fifty dollars (\$50.00), or confinement in the city jail not to exceed ten (10) days, or both such fine and imprisonment. (Ord. #549, April 1992)

10-212. Citation procedure for violations of chapter. (1) Whenever an animal control officer determines there has been a violation of any of the provisions of this chapter, in lieu of obtaining a warrant for arrest of the offender, the animal control officer may prepare written notices containing the name and address of such person, the offense charged, and the time when such person shall appear in city court. The time specified for appearance shall not be less than five (5) days from the date of issuance to appear, unless the person cited agrees to a shorter period.

(2) The cited person shall sign one copy of the notice to appear. Signing of the notice to appear shall constitute the cited person's promise to appear on the date specified in the notice. One copy of the notice to appear shall be delivered to the cited person.

(3) Nothing in this section shall be construed as conflicting with § 10-213. (Ord. #549, April 1992)

10-213. Failure to obey animal control citation. No person shall violate his written promise to appear given to an animal control officer upon the issuance of a citation, provided for in § 10-212, regardless of the disposition of the charge for which such citation was originally issued. Any person convicted of violating this section shall be subject to a fine not to exceed fifty dollars (\$50.00) and/or imprisonment in the city jail not to exceed ninety (90) days. (Ord. #549, April 1992)

10-214. Acceptance of guilty pleas and fines for animal control violations. (1) The city court clerk is hereby authorized to accept pleas of guilty for violations of this chapter, to accept designated fines in connection with such pleas, issue receipts therefor, and appear for such person in court for the purpose of entering pleas of guilty, all in accordance with such procedures as may be established by the judge of the city court. Such fines shall be accepted upon the entry of any plea of guilty before the court clerk. The amount of such fine to be accepted shall be so designated by rule of court promulgated by the judge of the city court; provided that no such fine may be accepted for a sum less than the minimum fine imposed by any section of this chapter for such offense. Any person given a citation for a violation of any provision of this chapter may post the fine appropriate thereto, and notify the clerk of the city court that he will appear for trial in which case the matter may be entered on the docket for trial.

(2) There shall be no cost assessed in cases in which a plea of guilty is entered under this section. (Ord. #549, April 1992)

10-215. Vaccination of animals. It shall be unlawful for any person to own, keep or harbor any animal which has not been vaccinated against rabies as required by Tennessee Code Annotated, title 68, chapter 8, or by the rules and regulations established in accordance with Tennessee Code Annotated, § 68-8-105. Evidence of such vaccination shall consist of a certificate bearing the owner's name and address, number of the vaccination tag issued, date of vaccination, date the animal shall be revaccinated, description, name, if any, age and sex of the animal vaccinated, type and lot number of the vaccine administered and the signature of the person administering the vaccine. The certificate shall be prepared in triplicate, the original to be given to the owner, first copy filed in the office of the health and welfare department, and second copy retained by the person administering the vaccine. All vaccinations shall be administered by or under the supervision of a veterinarian licensed by the State Board of Veterinary Medical Examiners to practice veterinary medicine in the State of Tennessee, or by other persons qualified under state law for this purpose. (Ord. #549, April 1992)

10-216. Quarantine of animal inflicting bite, suspected of biting, or suspected of being rabid. When any animal capable of being infected with rabies has bitten any person, is suspected of having bitten any person, or is suspected of being infected with rabies, the city shall cause such dog or other animal to be quarantined for such time as he may deem necessary, but not for less than ten (10) days from the day the person was bitten. No such animal shall be killed or destroyed or removed from the city, except upon authorization of the city or his duly authorized representative. Only dogs and other animals which appear well shall be released from quarantine or impoundment. No person shall hide, kill, conceal or aid or assist in hiding, killing or concealing any such animal defined in this section or shall conceal or permit the same to be removed from the city for the purpose of preventing its quarantine as provided herein. (Ord. #549, April 1992)